

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

WILLIAM G. HARRIS,	:	
Petitioner,	:	
v.	:	Case No. 3:15-cv-264
CHARLOTTE JENKINS, Warden,	:	JUDGE WALTER H. RICE
Chillicothe Correctional	:	
Institution,	:	
Respondent.	:	

DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATIONS (ECF #2);
OVERRULING PETITIONER'S OBJECTIONS THERETO (ECF #4);
DISMISSING PETITION FOR WRIT OF HABEAS CORPUS (ECF #1)
WITH PREJUDICE; DENYING CERTIFICATE OF APPEALABILITY AND
LEAVE TO APPEAL *IN FORMA PAUPERIS*; JUDGMENT TO ENTER IN
FAVOR OF RESPONDENT AND AGAINST PETITIONER; TERMINATION
ENTRY

On August 5, 2015, United States Magistrate Judge Michael R. Merz issued a Report and Recommendations, ECF #2, recommending that the Petition for Writ of Habeas Corpus, ECF #1, be dismissed with prejudice. Petitioner filed timely Objections to the Report and Recommendations, ECF #4.

Based on the reasoning and citations of authority set forth by Magistrate Judge Merz, in his August 5, 2015, Report and Recommendations, ECF #2, as well as upon a thorough *de novo* review of this Court's file and the applicable law, this Court ADOPTS said judicial filing in its entirety.

Petitioner's Objections, ECF #4, are OVERRULED as meritless. With respect to Ground Three, concerning the trial court's denial of Petitioner's motion to withdraw his guilty plea, Petitioner argues that the state court decision focuses on whether the trial judge followed proper procedures under Ohio law, and not on the question of whether he was coerced by counsel into entering that plea or was under the influence of prescription drugs at the time. The state court, however, did, in fact, address these issues in analyzing Petitioner's claim. It noted:

When the trial court asked Harris if he was under the influence of any drugs, Harris responded, "no." In addition, he acknowledged that he was pleading guilty as his own choice, that he had not been pressured to enter into the plea, and that he was pleading guilty because he had committed the offenses.

State v. Harris, No. 100002, 2014 WL 1340060, at *2 (Ohio Ct. App. Apr. 3, 2014). Magistrate Judge Merz correctly found that the state court's opinion is fully consistent with federal constitutional law.

The Petition for a Writ of Habeas Corpus, ECF #1, is DISMISSED WITH PREJUDICE.

Given that Petitioner has not made a substantial showing of the denial of a constitutional right and, further, that the Court's decision herein would not be debatable among reasonable jurists, and because any appeal from this Court's decision would be objectively frivolous, Petitioner is denied a certificate of appealability, and is denied leave to appeal *in forma pauperis*.

Judgment will be entered in favor of Respondent and against Petitioner.

The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: August 27, 2015



WALTER H. RICE
UNITED STATES DISTRICT JUDGE